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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

PAUL LEO SCHWEITZER,  
Petitioner,

Civil No. 05-1566-CL

v.

STATE OF OREGON,  
Respondent.

ORDER

**PANNER, Judge.**

Magistrate Judge Mark D. Clarke has filed Findings and Recommendation (F&R), and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Petitioner has filed objections. I have reviewed the F&R de novo. See 28 U.S.C. § 636(b)(1)(C); Holder v. Holder, 392 F.3d 1009, 1022 (9th Cir. 2004). I conclude that the F&R is correct.

**CONCLUSION**

Magistrate Judge Clarke's Findings and Recommendation (#42) is adopted. The petition (#1) is denied and this action is

dismissed without prejudice for lack of subject matter jurisdiction.

IT IS SO ORDERED.

DATED this 24 day of March, 2008.

A handwritten signature in black ink, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER  
United States District Judge